

IN THE MATTER OF
THE APPLICATION OF
RIAZ JANJUA, M.D.
FOR A ZONING RECLASSIFICATION ON
PROPERTY LOCATED ON THE NORTHEAST
CORNER OF BALTIMORE NATIONAL PIKE
AND CUMMINGS AVENUE FROM R.O. TO B.L.
(DOCUMENTED SITE PLAN)
1st ELECTION DISTRICT
1st COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. CR-89-453

OPINION

This case comes before this Board on Petition for Reclassification from R.O. to B.L. for a portion of a parcel of property located on the northeast corner of Baltimore National Pike and Cummings Avenue. Petitioner has purchased three lots and assembled them into this site where he proposes to erect an Islamic food store and office space. Each of the three lots contained a residence, all of which were in decrepit condition and unoccupied, and have since been razed. In 1984, a petition was filed to rezone from R.O. to B.L. one of these three lots and this petition was granted. No request for reclassification was ever requested until now on the remaining two lots. The property as now constituted contains some .62 net acre, of which .46 acre is zoned R.O. and for which the reclassification from R.O. to B.L. is petitioned.

The original hearing on this matter was conducted on September 26, 1989, at which time testimony was received from David Thaler, the Engineer; Qutub Sayed, the Architect; and Javed A. Aizaz, a real estate expert. All of these witnesses testified to the existence of the Jiffy Lube abutting the site on one side, a Precision Tune abutting the site on the other side, the extensive commercial use existing on both sides of Baltimore National Pike in the vicinity of this site, and the virtual impossibility of development of the site under its R.O. classification.

People's Counsel and protestants presented William Huey of the Office of Planning & Zoning; James Thomas, from the State of Maryland Planning

Case No. CR-89-453
Riaz Janjua, M.D.

and Zoning; Avon H. Collins, a neighbor; Mary Dixon, Carol Bundara, and Eileen Palmer, all expressing opposition to the requested reclassification. Testimony of all these witnesses is a part of the record in this case and will not be summarized in this Opinion, and all of the facts derived from this direct examination and cross-examination have been carefully considered. At the close of the hearing on September 26, questions were raised regarding the documented site plan, and Petitioner's attorney made a Motion to be allowed to amend the site plan and address these issues. This Motion was granted.

On January 16, 1990, hearing was held to consider the amended site plan. The differences between the amended plan and the original plan were testified to by David Thaler. He especially noted the differences in the access to the site now being confined strictly to Baltimore National Pike and the difference in the size of the proposed food store and office complex. A formal report from the Baltimore County Office of Planning & Zoning dated November 16, 1989 was introduced into evidence. The Office of Planning & Zoning recommended that the proposed reclassification be granted, clearly stating all their considerations in this recommendation.

The Board has before it a request to reclassify .46 acre of a .62-acre parcel from R.O. to B.L. This parcel is located on Baltimore National Pike, a major thoroughfare. It is abutted on one side by a Jiffy Lube operation and has as a neighbor on the other side a Precision Tune. It is located in a rather heavily commercial area of Baltimore National Pike. To retain an R.O. classification for this small parcel in the center of all this commercial usage is in the opinion of this Board in error. In addition, Petitioner is requesting this reclassification on a documented site plan in which the proposed use will be in no way detrimental to the area. The site plan notes that more than twice the open space required will be provided, adequate parking will be provided,

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Riaz Janjua, M.D.

that the building as proposed will not be out of proportion with the neighborhood, and that the use proposed will not create any detriment to the neighborhood. The Board is therefore of the opinion from the testimony and evidence received that the R.O. zoning is in fact in error and that the B.L. zoning upon which the documented site plan is predicated is the proper zoning and will so order.

ORDER

It is therefore this 14th day of February, 1990 by the County Board of Appeals of Baltimore County ORDERED that the reclassification from R.O. to B.L. for the .46 acre petitioned for be and the same is GRANTED with the following restrictions:

1. Compliance with a landscape plan showing buffering along Rich Avenue, street type planting along Cummings Avenue and Route 40, and interior landscaping adjacent to the proposed building that exceeds current regulations should be specified.
2. A County Review Group (CRG) review will be required for the development of this property. A condition expressing some flexibility in meeting any County standards and development regulations should be specified.
3. The petitioner shall not apply for any variances to sign requirements.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman
Lawrence E. Schmit
Lyng B. Moreland



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 837-3180

February 14, 1990

Stephen J. Nolan, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHARTERED
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. CR-89-453
Riaz Janjua, M.D.

Dear Mr. Nolan:

Enclosed is a copy of the Opinion and Order issued this date by the Board of Appeals in the subject case.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Riaz Janjua, M.D.
Mr. James Earl Kraft
Phyllis Cole Friedman, Esquire
P. David Fields
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an RO zone to an BL zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for n/a.

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County: n/a

For reasons for reclassification, see attached Statement in Support.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Riaz Janjua, M.D.
Signature	(Type or Print Name)
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	Address
Stephen J. Nolan, Esq.	Ste. 304, Memorial Med'l Bldg.
(Type or Print Name)	Address
Nolan, Plumhoff & Williams, Chtd.	City and State
Signature	City and State
300 E. Joppa Rd., Ste. 1105	City and State
Towson, Md. 21204	City and State
Address	Name
City and State	Address
Attorney's Telephone No.: 823-7800	Address

STATEMENT IN SUPPORT OF
REQUESTED RECLASSIFICATION

RAZ JANJUA, by his attorneys, Stephen J. Nolan, Douglas L. Burgess and Nolan, Plumhoff and Williams, Chartered, as reasons for its requested reclassification of the subject property states:

1. The site is split zoned between BL and RO zoning, and uniform BL is required and desired to avoid the hardship of having a zoning line run through the property.
2. The site borders on a primarily commercially zoned highway, named Route 40 West, and commercial zoning to a uniform depth would be consistent with the neighborhood.
3. Commercial zoning exists to the west and east of the property with more commercial zoning to the south across Route 40 West.
4. The property is sandwiched by two intensive automotive uses, Precision Tune to the west and Jiffy Lube to the east, both of which, if properly zoned, would require an even more intensive BM or BR zoning, or at the very least, BL zoning with a special exception.
5. There is a street or alley to the north which acts as a buffer between the property and the residential zoning to the north.
6. A mistake in mapping has left this property in the RO zone when it properly should be zoned BL to make it

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM R.O. TO B.L. ZONE
NE Corner Baltimore National
Pike and Cummings Avenue
1st Election District
1st Councilmanic District

OF BALTIMORE COUNTY

RIAZ JANJUA, M.D., Petitioner : Zoning Case No. CR-89-453
: : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 837-2186

I HEREBY CERTIFY that on this 13th day of July, 1989, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, Nolan, Plumhoff & Williams, Chartered, Suite 700, Court Towers, 210 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

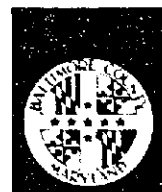
20 JUL 13 AM 10:30
COUNTY BOARD OF APPEALS
RECEIVED

ALL CASES IN THIS
CASE TO BE
FILED WITHIN
10 DAYS
(COUNTY BOARD OF APPEALS)
FILE TO FOLLOW

Baltimore County
Office of Planning & Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3211

P. David Fields
Director

November 16, 1989



Dennis F. Rasmussen
County Executive

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Subject: Amended Documented Site Plan
Case #CR-89-453
Cycle I, Item 3, Riaz Janjua, M.D.

Dear Mr. Hackett:

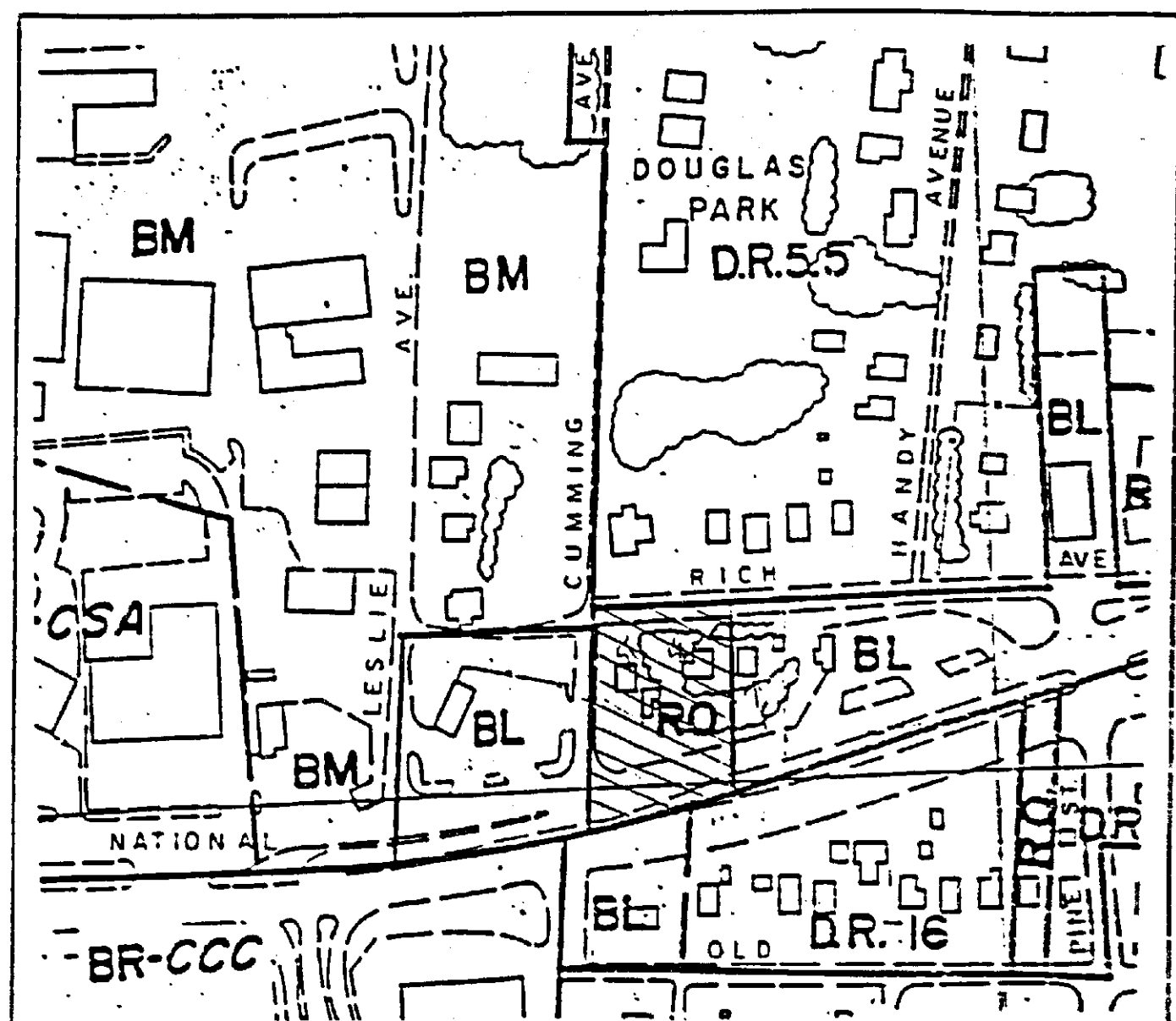
Pursuant to Section 2-58-1(n) of the Baltimore County Code, the amendments to the documented site plan were referred by the County Board of Appeals to the County Planning Board. Following consideration by the Planning Board, a recommendation regarding the above-mentioned case is offered herewith.

P. David Fields
P. David Fields, Secretary
Baltimore County Planning Board

PDF:JL:ggl
Attachment
Janjua

NOV 22 1989
RECEIVED
PLANNING BOARD

ITEM NO 3



Location: NE/cor Balto. Natl. Pike & Cummings Avenue
Existing Zoning: R.C.
Election District: 1st
Councilmanic District: 1st
Acres: .046
Requested Zoning: B.L.

not to scale see zoning maps 2B & SW2G

Location of Property Under Petition

- 13 -

CYCLE I, ITEM 13

EXISTING ZONING/LAND USE: RO, Two single family detached dwellings

PROPOSED ZONING/LAND USE: BL, Office and Retail, Documented Site Plan Provided

SURROUNDING ZONING:

North: D.R. 5.5 (other side of Rich Avenue)
South: BL and D.R. 16 (other side of Baltimore National Pike)
East: BL (remainder of applicant's parcel and adjacent property)
West: BL (other side of Cummings Avenue)

SURROUNDING LAND USES:

North: Two single family detached dwellings and a vacant lot (other side of Rich Avenue)
South: Office/retail and single family detached dwelling
East: Single-family detached dwelling (remainder of applicant's parcel) and service garage (adjacent property)
West: Service Garage

SUMMARY AND RECOMMENDATIONS:

The petitioner is requesting the rezoning of 0.46 acres of land from RO to BL. In reference to this request the following information is provided:

1. The 0.46 acre site is part of a larger .62 acre parcel. The .16 acre portion of the parcel which is not part of the rezoning request is zoned BL.
2. The site is level and is served by public sewer and water.

The applicant has submitted a revised, documented site plan. The plan indicates that the three existing dwellings on the applicant's property will be razed and a 7,700 sq. ft. office/retail building will be erected. Direct vehicular access to Baltimore National Pike is proposed. A total of 33 off-street parking spaces are also indicated on the plan.

Based upon the analysis of the Petitioner's amended, documented plan, the Planning Board recommends approval of the applicant's request. Staff has included a list of conditions that should be attached to the petitioner's request should the petition be granted. The issue of finding error with the existing zoning, however, will be incumbent upon the petitioner to prove.

ANALYSIS:

ZONING HISTORY

Existing RO zoning has been in place since 1980.

LAND USE

Uses permitted by right in BL zones are retail and service oriented, e.g., food store, pet shop, shoe repair shop, department store, etc. Uses permitted by special exception are generally more intensive, e.g., automotive service station (see Section 405), car wash, drive-in restaurant, service garage, etc.

Height regulations permit a building height of 40 feet or as otherwise allowed by the height tent.

The required front yard setback is 10 feet from the property line. The side yard setback for corner lots is 10 feet on the street side and no required setback for the interior portion of the lot. Commercial properties are required to maintain a setback of not less than 20 feet where a rear lot line abuts a lot in a residential zone (no setback is required for a property that abuts another commercial site).

WATER/SEWER

The parcel is served by public water and sewer in an existing service area. The area is designated W-1, S-1 by the Master Water and Sewer Plan.

DOCUMENTED SITE PLAN

ANALYSIS

The Petitioner has provided a documented site plan that shows a 2-story office/retail building approximately 110 feet by 43 feet in size. Comments regarding an analysis of the revised plan and comparison to the original plan are offered below:

- The access to Cummings Avenue which was originally proposed has been deleted and a second point of access is to be provided on Baltimore National Pike.
- A commendable effort has been made to preserve existing mature trees.
- The proposed dumpster site has been relocated to a more desirable location on the property.
- Twice the required amount of open space is proposed.

2

- Compared to the previously submitted plan, the revised plan indicates the total floor area will be increased by 121. The office space is to be increased by 860 sq. ft., and space devoted to retail has been decreased by 140 sq. ft. As a result of these changes, two additional parking spaces are indicated on the plan.

- The site plan notes contain a list of "possible principal uses," including office uses on the second floor and a Balal Market and Islamic Bazaar and other retail uses on the first floor. According to the Petitioner's attorney, Halal refers to the way of preparing and blessing food so that it will be edible in compliance with Islamic dietary customs.

- A supplementary plan accompanying the documented site has been submitted. Building elevations and architectural details have been submitted which specifically outline the types of building materials to be used.

- A note appearing on the documented site plan indicates that all signs noted on the plan will comply with applicable zoning regulations.

CONDITIONS

Should the Board grant the Petitioner's request, the following conditions regarding the site plan should be addressed:

1. Compliance with a landscape plan showing buffering along Rich Avenue, street type planting along Cummings Avenue and Route 40, and interior landscaping adjacent to the proposed building that exceeds current regulations should be specified.
2. Rather than subjecting the petitioner to comply with specific uses, a general office/retail ratio should be specified.
3. A C&G review will be required for the development of this property. A condition expressing some flexibility in meeting any County standards and development regulations should be specified.
4. The petitioner shall not apply for any variances to sign requirements.

JL:ggl
JANJUA

3



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

March 2, 1990

Mr. James Thomas
6508 Woodbridge Circle
Baltimore, MD 21228

RE: Case No. CR-89-453
Riaz Janjua, M.D.

Dear Mr. Thomas:

Pursuant to our telephone conversation regarding the subject matter and, in particular, the Board's Opinion and Order issued February 14, 1990, I had a subsequent telephone call from Larry Carson of The Evening Sun.

As a result of that conversation with Mr. Carson, enclosed is a copy of the correction which was printed in The Evening Sun on Wednesday, February 28, 1990.

This letter as well as notice of your original telephone call and the correction notice will become part of the case file in this matter.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

THE EVENING SUN Wednesday February 28, 1990

CORRECTION - Janjua case per telephone call from J. Thomas and w/L. Carson

Correction: A Feb. 21 NewsWatch incorrectly identified James Thomas and his role in testifying on a proposed grocery store on Baltimore National Pike near Rolling Road. Thomas appeared in support of the grocery, and as a private citizen, not as a representative of the state. The Evening Sun regrets the error.

2/26/90

Mr. H:

Received telephone call from Mr. James Thomas -State Planning regarding the Board's decision in the Janjua case.

He read in the newspaper that he had opposed the granting of the rezoning.

He was asked to appear by the attorney for protestants; was told he would be testifying on behalf of the neighborhood school (he is chairman at that school). Believed he was duped when he learned this was a zoning hearing.

Made disclaimer at beginning of his testimony that he was testifying as a private citizen; was not testifying as expert planner; he is administrator at State Planning, not a planner; could only testify as private citizen.

This could create problem for him; using his position, etc.

Can the Board issue/do something to straighten this out for him? He has had no real problem to date, with the exception of article by Larry Carson which resulted in telephone call with Carson; but is concerned about what could happen and wants record clear as to his position regarding this matter.

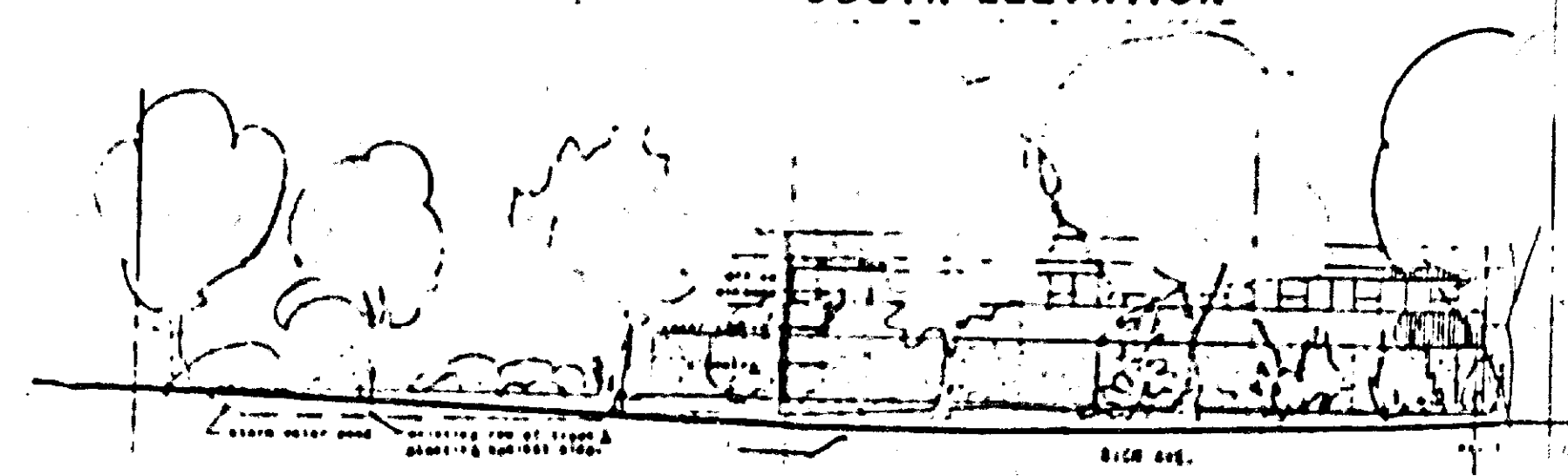
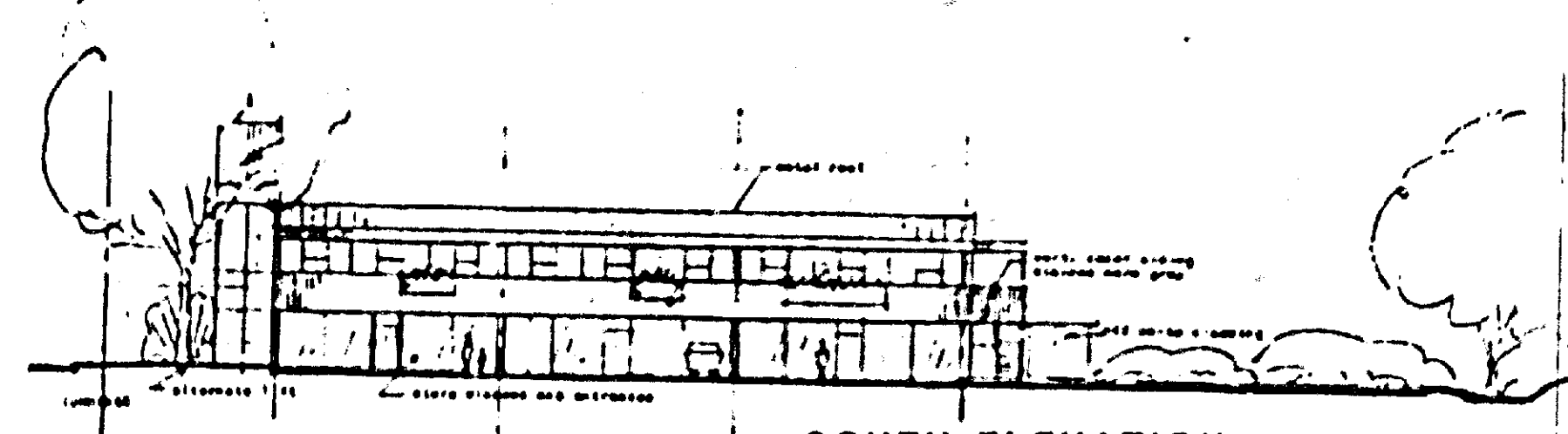
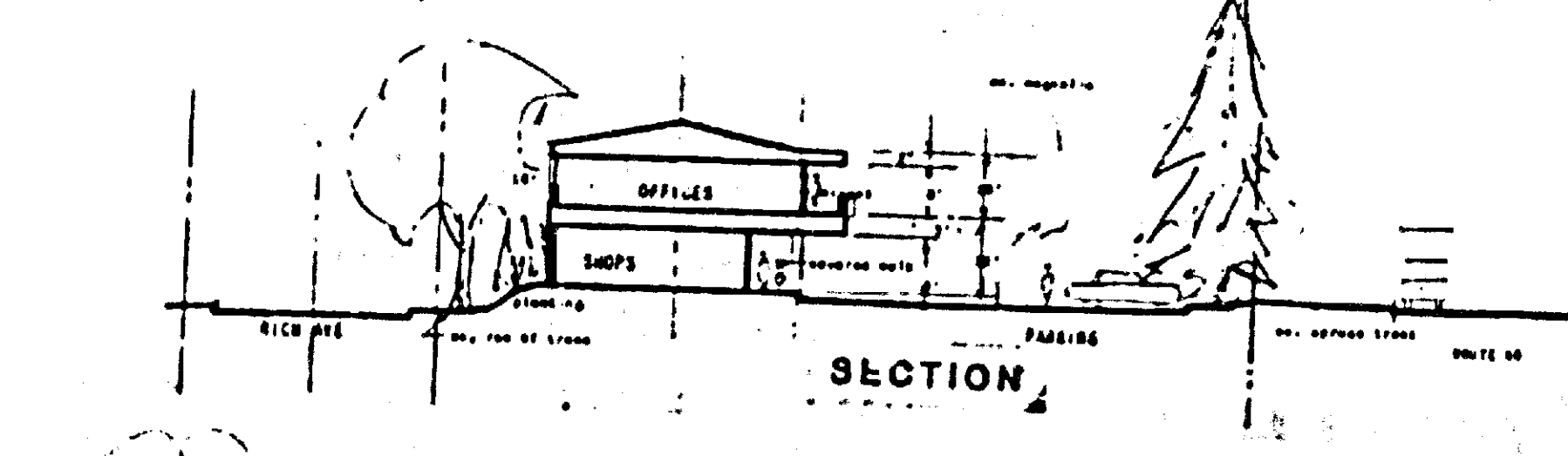
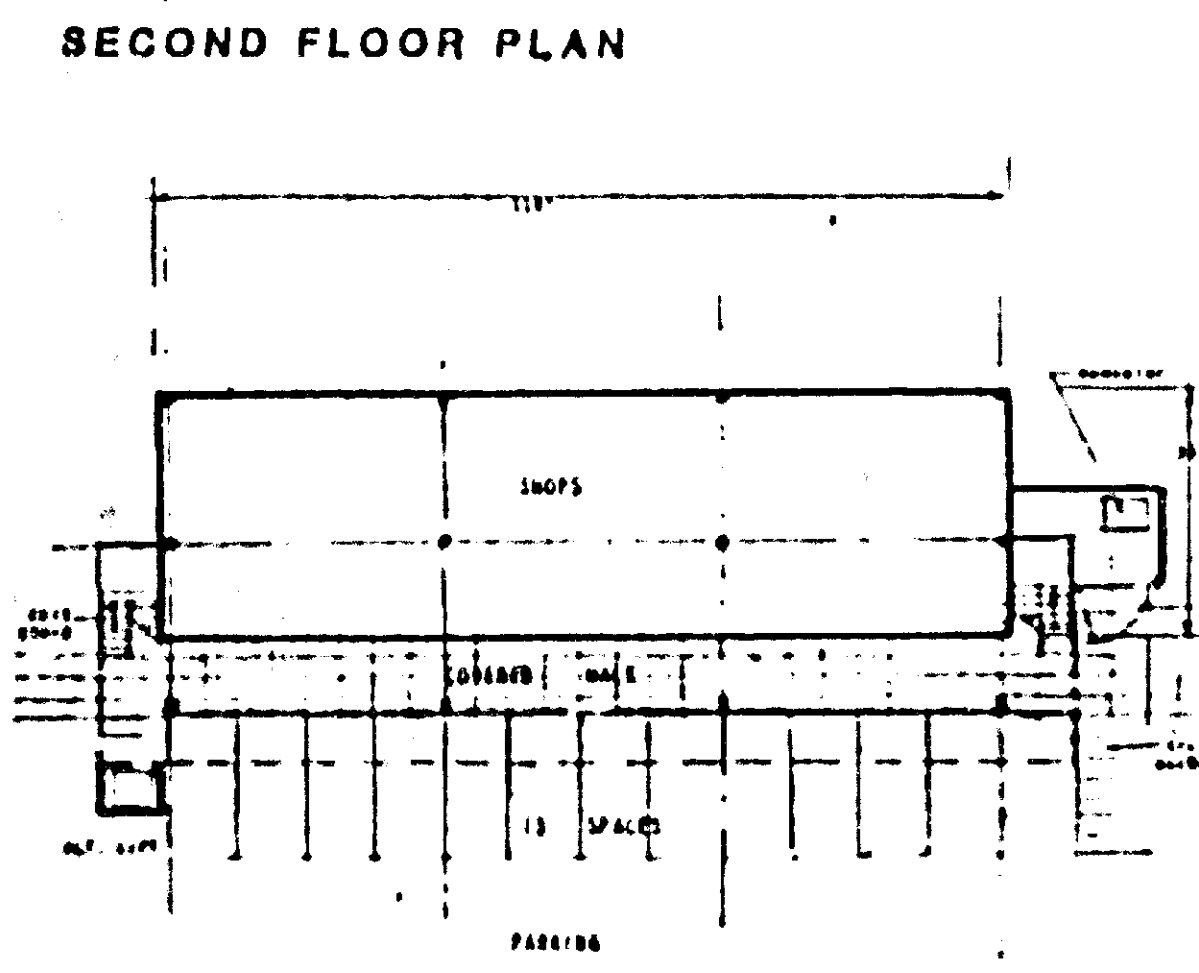
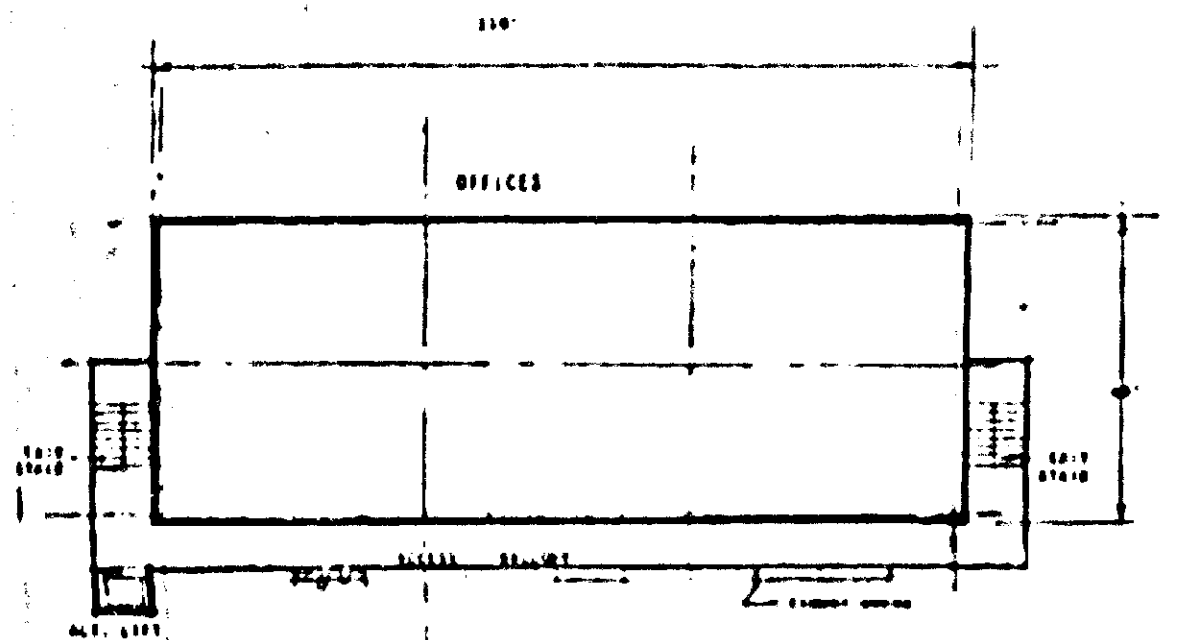
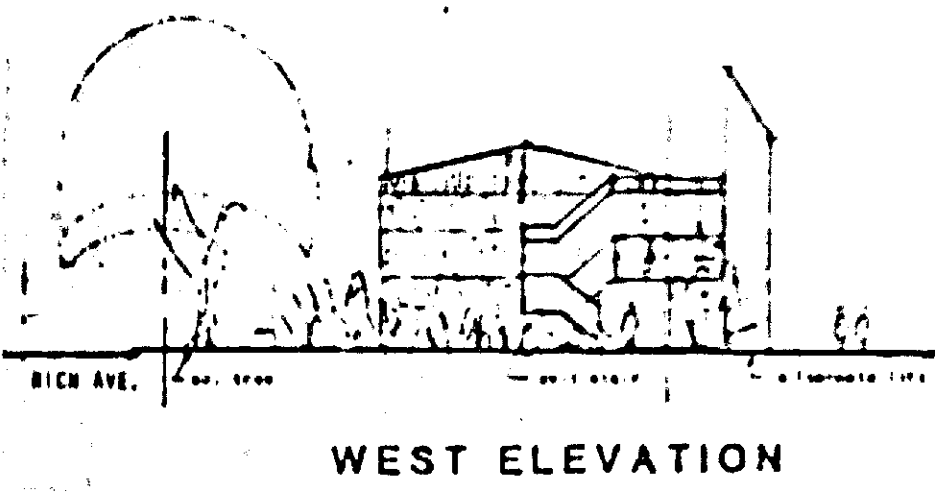
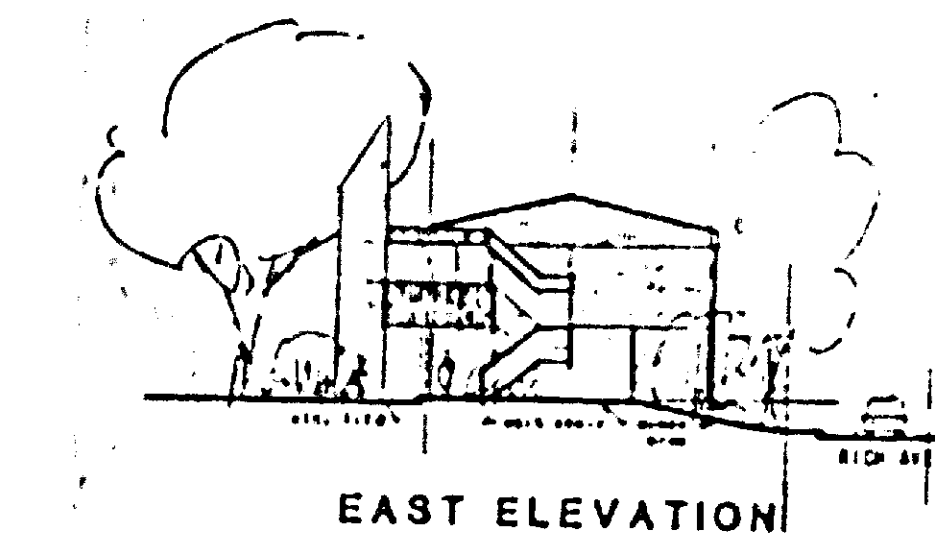
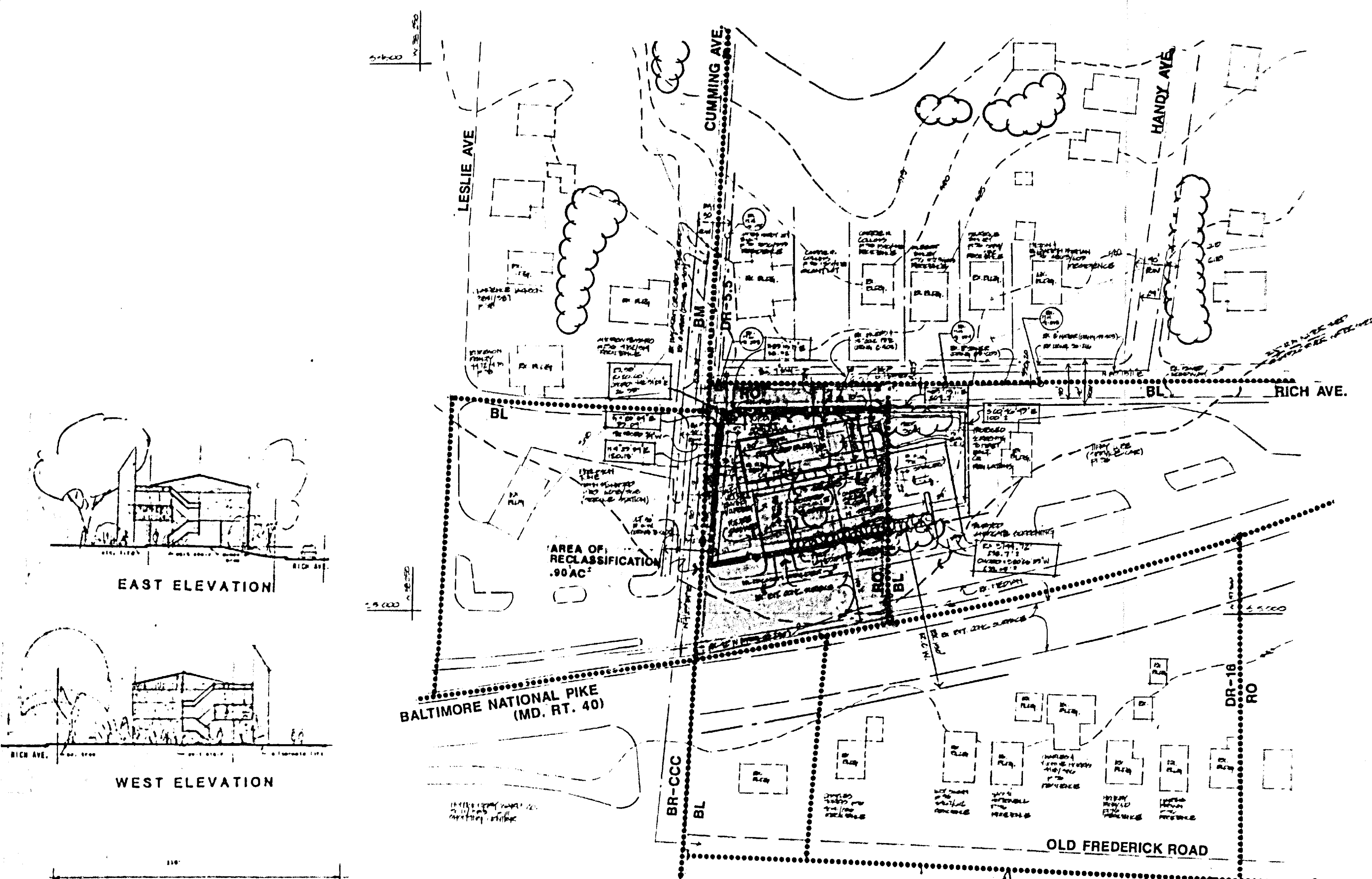
Will be in Annapolis tomorrow; however, will telephone here again to find out what can be done. For the record, his office telephone number is 225-4500.

kathl

*Board = H
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m
2/26
L. Carson to
call with on 2/27
re the above. Wants
to clarify, if what
Thomas says is true.
2/27 - with spoke
w/Carson - seems
set straight.
H.*

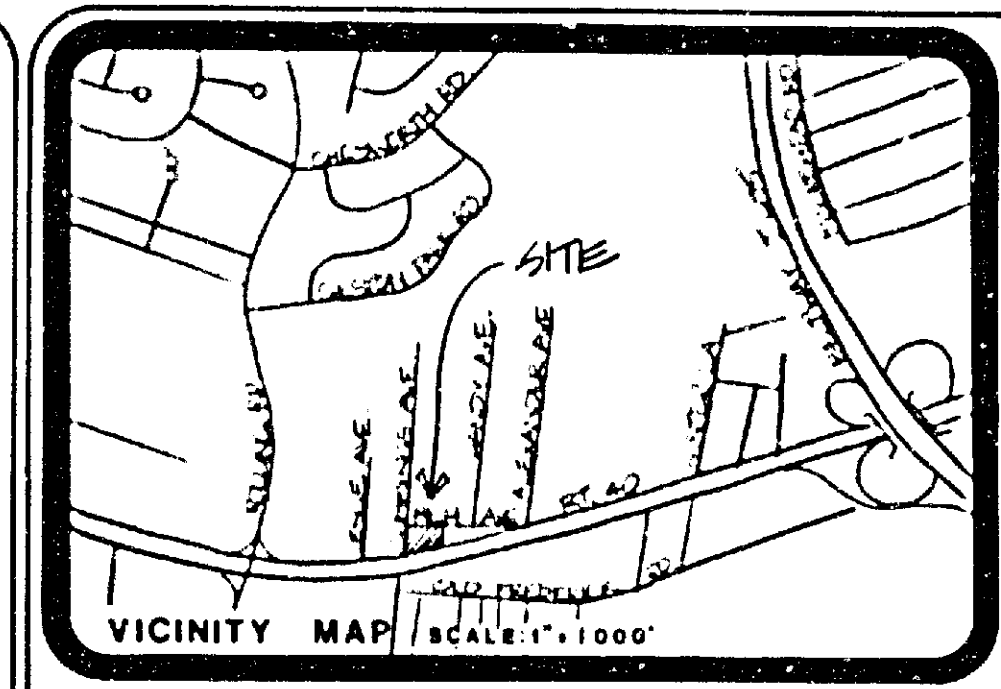
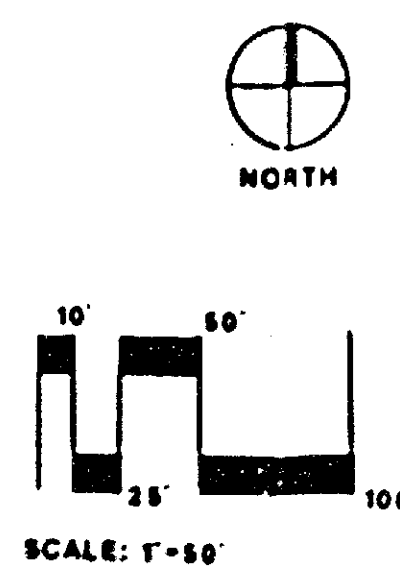






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 - PROPOSED 100% GRADE



SECTION DISTRICT 1
COMMITTEE DISTRICT 1
SITE AREA
TOTAL SITE AREA: .92 acres, more or less.
RECLASSIFICATION: .46 acres, more or less.
CURRENT ZONING: .46 acres, more or less of BL (RECLASSIFIED).
PROPOSED ZONING: .46 acres, more or less of BL (RECLASSIFIED).
USE
Listings: Residential. All buildings will be used.
Proposed: SEE NOTES BELOW.
ZONING
Required Parking:
Retail - 4000 S.F. @ 5 spaces/1000 S.F. = 20 spaces.
Office - 4000 S.F. @ 3 spaces/1000 S.F. = 12 spaces.
Proposed Parking: 32 spaces.
ANNUITY OPEN SPACE
Required: .1 acres, more or less.
Proposed: .1 acres, more or less.
UTILITIES
Public water and sewer will be provided.

- Baltimore County Code Section 2-38.1(1)(i) Notes:
In addition to the elevation drawings submitted with this amended documented plan, the Petitioner submits the following:
- Three (3) existing deteriorated single family dwellings and garage building (6117, 6119 and 6123 Rich Avenue) will be removed;
 - Signs are noted on the plan and will comply with BCZR sign regulations;
 - Possible principal uses:
A. First Floor Usage will be retail and principally involve a Halal Market and Islamic Bazaar featuring the retail sale of Halal foods, groceries, baked goods and confections. Other possible retail uses include the sale of Islamic imports, gifts and (miscellaneous) items (such as clothing, religious items, jewelry and health items); Islamic Literature, Music & Video; and possibly retail sale of small household and travel appliances, and ice cream.
B. Second floor of proposed building shall be devoted to office use limited to Real Estate Sales and Training Offices, Real Estate Development Office, Insurance Sales and Service Office, Financial Planning Services Office, Law Office.
 - Hours of Operation of Building: Monday thru Saturday 9:00 a.m. to 8:00 p.m. and Sunday 10:00 a.m. to 6:00 p.m.
 - Maximum Number of Employees: No more than ten (10) employees for retail area and no more than ten (10) employees for office area (Total maximum: 20 employees).
 - Maximum Levels of Emissions: Building will comply with all applicable codes and accepted standards relative to sound and other vibrations, dust, odor, gas, light and heat emissions. No extraordinary emissions are anticipated.
 - Public Water and Sewer are currently available and on site.
 - There are no existing ponds or bodies of water on this subject site.
 - Other data appears on amended plans and original documentation filed on February 28, 1999.

DEVELOPER
JAVED A. AIZAZ
715 HIGGSIDE AVENUE
CATONSVILLE, MARYLAND 21228
744-4771

PLAN
BALTIMORE COUNTY, MD

AMENDED DOCUMENTED SITE PLAN TO ACCOMPANY RECLASSIFICATION PETITION
MARYLAND ROUTE 40 AND CUMMINGS AVE.
SECTION DISTRICT 1

D.S. THALER & ASSOC., INC.
LAND PLANNERS
11 WARREN ROAD
BETHESDA, MD 20814
301-484-4100

PROJECT # 1
SHEET # 1
OF 1



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

ITEM NO. 3
N.E. COR. BALTO. NAT'L FIRE E.
CUMMINGS AVE.
ACRES: .046
REQUEST FOR B.L. Zoning

SCALE	LOCATION	SHEET
1" = 200' ±	CATONSVILLE	S.W. 2-G
DATE OF PHOTOGRAPHY JANUARY 1986		

CR-157-153
pet
EX 3



CR 489-153
1st
Ex No
6

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	CATONSVILLE	SW 2-G
DATE OF PHOTOGRAPHY JANUARY 1986		

February 27, 1989
ENVIRONMENTAL IMPACT STATEMENT
TO ACCOMPANY ZONING RECLASSIFICATION PETITION

RE: Maryland Route 40 and
Cummings Avenue
Retail/Office

SECTION I

The purpose of this document is to discuss the possible environmental effects of proposed changes to the development plan for the referenced property following a zoning reclassification as indicated on the accompanying Plat.

The area delineated for reclassification comprises approximately .46 net acres, more or less, of a .62 acre site. Pavement widening on Cummings Avenue and the addition of sidewalks may be required by the County Department of Public Works.

This report will concentrate on the changes within the site boundary delineated for reclassification. The chart in Section IV details physical changes in terms of pervious and impervious surfaces.

SECTION II

The subject site is located at the intersection of Maryland Route 40 and Cummings Avenue in the Catonsville area of Baltimore County. The .62 acre, more or less, site is currently zoned BL (.16 acres, more or less) and RO (.46 acres, more or less). The site consists of four 1/2 lots, 6123 - 6117 Rich Avenue, improved by houses with drives. There are no known environmentally sensitive areas on the site. The petitioner proposes to construct a small office and retail center to serve the Islamic community of Baltimore County.

page 2

No portion of the property falls within a 100-year flood plain or critical area, nor are there any streams or tidal waters within established limits of proximity. There are no steep slopes or known hydric soils on the site.

SECTION III

The proposed development of the overall site includes approximately 3440 square feet of office space, 3440 of retail space and parking for 29 cars. Also included, per County requirements are sidewalks, and a storm water management area.

SECTION IV

The following chart details site conditions as related to use according to (a) current conditions (b) proposed conditions resulting from the requested zoning reclassification. Note that this chart only reflects quantities within the .46 acres to be reclassified.

USE	(a) CURRENT	(b) WITH PROPOSED RECLASSIFICATION
	acres ± %	acres ± %
Pervious Surfaces		
S.W.M. Area	0.00 -	0.02 4
Other	0.41 90	0.21 46
Subtotal Pervious	0.41 90	0.23 50
Impervious Surfaces		
Buildings & Walks	0.05 10	0.08 17

USE	(a) CURRENT	(b) WITH PROPOSED RECLASSIFICATION
	acres ± %	acres ± %
Parking	0.00 -	0.15 23
Subtotal Impervious	0.05 10	0.23 50
TOTALS	0.46 100	0.46 100

SECTION V

Sediment control devices will be installed and maintained during construction. Disturbed areas will be revegetated as required by Soil Conservation District standards. Runoff volume and timing, non-point pollutant loadings and the biological integrity of the receiving waters can thereby be controlled to the extent possible.

In addition, landscape planting is proposed to mitigate the audible, visual and micro-climatic effects of the parking areas. A planting buffer of evergreen shrubs will line the perimeter along with an over-head canopy of shade trees. The trees and the building will provide shade to ameliorate the effect of the sun on the paving and the trees and shrubs will provide a visual and noise buffer between the parking and the adjacent residential area.

February 23, 1989
DESCRIPTION OF ROUTE 40 AND CUMMINGS AVENUE

Beginning for the same at a point on the southerly right-of-way line of Rich Avenue, a 40 foot avenue, which point is North 04 29'34" East 217.77 feet and North 89 13'11" East 38.32 feet from the intersection of the centerline of Cummings Avenue with the centerline of Edmondson Avenue or Baltimore National Pike, Maryland Route 40, a 150 (foot avenue; thence, binding upon the southerly right-of-way line of Rich Avenue, North 89 13'11" East 204.7 feet, more or less to a point; thence, crossing over and through Lot No. 28, Douglas Park, recorded among the Land Records of Baltimore County, Maryland in Plat Book 7 folio 170, South 00 46'49" East 100 feet more or less, to intersect the northerly right-of-way line of the said Maryland Route 40; thence, binding upon the last said right-of-way line 238.7 feet, more or less, by a curve to the right, having a radius of 3744.72 feet and a chord of South 80 06'39" West 238.65 feet, more or less, to a point on the easterly right-of-way line of Cummings Avenue as shown on Baltimore County Drawing No. RW 88-057-1; thence, binding upon the last said right-of-way line, North 04 29'34" East 120.13 feet to a point; and 29.58 feet by a curve to the right, having a radius of 20.00 feet, and a chord of North 46 51'23" East 26.95 feet to the point of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

CR-89-453

District: 1st
Posted for: Zoning Reclassification
Petitioner: Riaz Janjua, M.D.
Location of property: N.E. corner Baltimore National Pike and Cummings Avenue
Location of Signs: N.E. corner Baltimore National Pike and Cummings Avenue
Remarks: subject property
Posted by: S. J. Zabe
Date of return: September 18, 1989
Number of Signs: 1

page 2
Description of Route 40 and Cummings Avenue
February 23, 1989

Containing 0.628 acres of land, more or less, and intended to describe the remaining portions of Lot Nos. 32, 31, 30, 29, and the western one half of Lot 28 of Douglas Park, recorded among the Land Records of Baltimore County, Maryland in Plat Book 7 folio 170.

Save and excepting that portion of the site currently zoned BL. Area to be re-zoned contains .46 acres, more or less.

NOTE:

This description is compiled from the best available information. This description has not been prepared from and does not represent a boundary survey.



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 7, 1989.

THE JEFFERSONIAN
CATONSVILLE TIMES

S. Zabe Publisher

PO 16322
rg M28949
price \$106.55

Reduced Photograph of Map 5-489
Full Page Led

THE JEFFERSONIAN
BALTIMORE COUNTY, MARYLAND
PUBLIC NOTICE
RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED
FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE APRIL, 1989 -
OCTOBER, 1989 ZONING RECLASSIFICATION CYCLE I

WESTERN SECTOR
NORTHERN SECTOR
CENTRAL SECTOR
EASTERN SECTOR

LOCATIONS OF PROPERTIES UNDER PETITION

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above

BY ORDER OF
WILLIAM HACKETT,
CHAIRMAN, BALTIMORE COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY AND
P. DAVID FIELD,
DIRECTOR OF PLANNING AND ZONING

NOTICE OF HEARING
PETITION FOR ZONING RECLASSIFICATION

Petition for Zoning Reclassification
Case Number: CR-89-453
Re: Cum. Baltimore National Pike and Cummings Avenue
Petitioner(s): Riaz Janjua, M.D.

Beginning for the same at a point on the southerly right-of-way line of Rich Avenue, a 40 foot avenue, which point is North 04 29'34" East 217.77 feet and North 89 13'11" East 38.32 feet from the intersection of the centerline of Cummings Avenue with the centerline of Edmondson Avenue or Baltimore National Pike, Maryland Route 40, a 150 (foot avenue; thence, binding upon the southerly right-of-way line of Rich Avenue, North 89 13'11" East 204.7 feet, more or less to a point; thence, crossing over and through Lot No. 28, Douglas Park, recorded among the Land Records of Baltimore County, Maryland in Plat Book 7 folio 170, South 00 46'49" East 100 feet more or less, to intersect the northerly right-of-way line of the said Maryland Route 40; thence, binding upon the last said right-of-way line 238.7 feet, more or less, by a curve to the right, having a radius of 3744.72 feet and a chord of South 80 06'39" West 238.65 feet, more or less, to a point on the easterly right-of-way line of Cummings Avenue as shown on Baltimore County Drawing No. RW 88-057-1; thence, binding upon the last said right-of-way line, North 04 29'34" East 120.13 feet to a point; and 29.58 feet by a curve to the right, having a radius of 20.00 feet, and a chord of North 46 51'23" East 26.95 feet to the point of beginning.

Containing 0.628 acres of land, more or less, and intended to describe the remaining portions of Lot Nos. 32, 31, 30, 29, and the western one half of Lot 28 of Douglas Park, recorded among the Land Records of Baltimore County, Maryland in Plat Book 7 folio 170.

Save and excepting that portion of the site currently zoned BL. Area to be re-zoned contains .46 acres, more or less.

Petition to reclassify the property from an R.O. to an R.L. zone.

TIME: 10:00 a.m.
DATE: TUESDAY, SEPTEMBER 26, 1989
LOCATION: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 9/19/89 ACCOUNT R-01-615-000

AMOUNT \$ 470.86

RECEIVED BY RIAZ A. JANSUZI

FROM Postings Adv. CR59-453

B 8 102 ***** 000000 0000

VALIDATION OR SIGNATURE OF CARRIER

ENDORSEMENT
BY: _____
DATE: _____

cc: Steven J. Nolan, Esq.
File

9/26/89 -Continued on record; Petitioner to submit to CBA within 48 hours amended documented site plan to be forwarded to Planning Board for comment. per LTH

•

cc: Riaz Janjua
Suite 304
Memorial Medical Building
Cumberland, MD 21502



Maryland Department of Transportation
State Highway Administration

RECEIVED
MAY 1 1989

ZONING OFFICE

April 26, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Riaz Janjua, M.D.
Zoning Reclassification
Item #3, Cycle I
W/S Baltimore National
Pike (Route 40-W) at
Cummings Avenue

Attn: Mr. James Dyer

Dear Mr. Haines:

After reviewing the submittal for the subject property, we have the following comment.

The proposed entrance on J. Baltimore National Pike must be revised to 25'.

Concrete curb and gutter must be constructed along the frontage of the site on line with existing curb and gutter at the eastern property line (including a 25' radius at the intersection with Cummings Avenue).

A State Highway Administration access permit must be applied for prior to issuance of building permits.

If you have any questions, please call Larry Brocato at 333-1350.

Very truly yours,

Gregory J. Mills, Jr.
Gregory J. Mills, Jr., Chief
Engineering Access Permits
Division

LB:maw

cc: D.S. Thaler & Assoc., Inc.
Mr. J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 383-0451 D.C. Metro - 1-800-492-5862 Service Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this
31st day of April, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Nolan
Chairman,
Zoning Plans Advisory Committee

Petitioner: Riaz Janjua

Petitioner's Attorney: Stephen J. Nolan

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

William Hackett
Chairman, Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Re: Property Owner: Riaz Janjua, M.D.

Location: NE/cor Balto. Natl. Pike & Cummings Ave.

Item No.: Three (3)

Zoning Agenda: 4/89-10/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

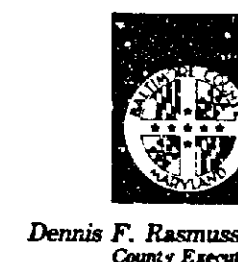
- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1988 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* 4-14-89 Noted and Approved: *William Hackett*
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

May 9, 1989



Mr. William Hackett
Chairman, Board of Appeals
County Office Building
Towson, Maryland 21204

Zoning Reclassification Cycle 1
Item No. 3

April - October, 1989

Property Owner:
Case No./Hearing Date:
Location:

Riaz Janjua M.D.
CR89-453; September 26, 1989
N.E. corner Baltimore Natl. Pike
and Cummings Avenue
R.O.
1st
Councilmanic District:
Acres: 1st
0.046 acres
B.L.

Existing Zoning:
Election District:
Councilmanic District:
Acres:
Proposed Zoning:

Dear Mr. Hackett:

The area of the site is too small to project traffic.

The road frontage around the site should have sidewalks for safety reasons.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSE/LW

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: P. David Fields, Director
Office of Planning & Zoning
Date: September 28, 1989
FROM: William T. Hackett, Chairman
County Board of Appeals
Case No. CR-89-453
Riaz Janjua
SUBJECT: Riaz Janjua

Pursuant to the appropriate sections of the Baltimore County Code, we are transmitting to you copies of the amended plans submitted to the County Board of Appeals as indicated at a public hearing on September 26, 1989. These are being forwarded to you for processing with the Baltimore County Planning Board.

William T. Hackett
William T. Hackett

Attachment

cc: W. Carl Richards, Jr.
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman
Board of Appeals
DATE: October 26, 1989
FROM: P. David Fields, Director
SUBJECT: AMENDED DOCUMENTED SITE PLAN, CASE #CR-89-453
(Cycle I, Item 3, RIAZ JANJUA, M.D.)

Pursuant to Section 2-58-1(M) of the Baltimore County Code, the amendments to the documented site plan were referred by the County Board of Appeals to the County Planning Board. A recommendation regarding the above-referenced case will be forthcoming.

P. David Fields
P. David Fields
Director

PDF:gg1
CR89453



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

March 3, 1989

Douglas L. Burgess, Esquire
Nolan, Plumbhoff, and Williams, Chtd.
300 E. Joppa Road, Suite 1105
Towson, Maryland 21204

Re: Riaz Janjua, M.D. - Reclass NE/Cor Baltimore National Pike & Cummings Avenue

Dear Mr. Burgess:

As per your request, enclosed please find a copy of the receipt in connection with the above matter.

If we can be of any further assistance, please do not hesitate to contact our office.

Very truly yours,
Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul

Enclosure

September 14, 1989

Douglas Park Improvement Association
1022 Handy Avenue
Baltimore, Maryland 21228

Re: Petition for Zoning Reclassification
Case Number: CR89-453
Petitioner: Riaz Janjua, M.D.
NE Corner Baltimore National Pike & Cummings Avenue

Gentlemen:

Be advised that hearing of the above matter will take place as follows:

Tuesday, September 26, 1989 at 10:00 a.m.

Baltimore County Board of Appeals, Room 301
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

A copy of your letter has been forwarded to the Board of Appeals. If you have any further questions regarding this matter, please contact the Board at 887-3180.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:gs

RECEIVED
COUNTY BOARD OF APPEALS
OCT 31 AM 10 1989